

DISMISSAL AND NOTICE OF RIGHTS

To: **Ladawna Fisher**
1030 Eagle View Drive Apt. F
Birmingham, AL 35212

From: **Birmingham District Office**
Ridge Park Place
1130 22nd Street
Birmingham, AL 35205



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420-2016-03404

IRAN CRUZ,
Investigator

(205) 212-2134

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

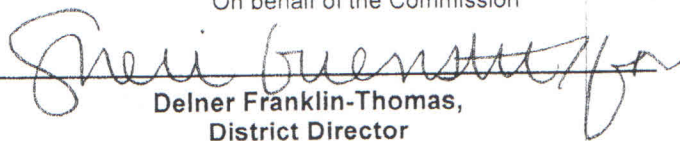
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Delner Franklin-Thomas,
District Director

JAN 05 2017

Enclosures(s)

(Date Mailed)

cc:

PROFESSIONAL TRANSPORTATION, INC.
c/o Steve Greulich
Human Resources Director
3700 East Morgan Avenue
Evansville, IN 47715

PERKINS LAW LLC
c/o Byron R. Perkins, Esq.
2170 Highland Avenue South, Suite 100
Birmingham, AL 35205

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

420-2016-03404

ALABAMA

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

LaDawna Fisher

Home Phone (Incl. Area Code)

(615) 519-3158

Date of Birth

Street Address

City, State and ZIP Code

Birmingham, Alabama 35212

Named is the Employer, Labor Organization, Employment Agency, Labor Union, Tip Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Professional Transportation, Inc.

No. Employees, Members

50+

Phone No. (Incl. Area Code)

(205) 291-8013

Street Address

5330 Oporto Madrid Blvd. S

City, State and ZIP Code

Birmingham, Alabama 35210

Name

Professional Transportation, Inc.

No. Employees, Members

500+

Phone No. (Incl. Area Code)

(812) 471-2440

Street Address

3700 E Morgan Avenue

City, State and ZIP Code

Evansville, Indiana 47715

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☒ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify) Gender Discrimination/Equal Pay

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

August 19, 2016

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I am an African American female over the age of 21, a single mother, and a practicing member of the Seventh Day Adventist Church. I have been a Seventh Day Adventist since my baptism in 2009. However, I was raised in the church community since I was a child. One of the tenets of my faith is that we do not work on our Sabbath which is recognized on sundown Friday to sundown Saturday.

2. Based upon my faith and belief, we are not allowed to do any work from sundown on Friday until sundown Saturday. Put another way, my Sabbath begins at sundown Friday and ends at sundown on Saturday. During this period, we are not to watch T.V., listen to the radio, or do any the worldly things other than focus on our relationship with God including doing any work!

3. I was first employed with the respondent as a driver in Nashville in December 2012. My job requires me to check in early in the mornings to pick-up and deliver employees of the Railroad to different locations around the southeast, both inside and outside of Alabama. I am generally on call for 12 hours or work 12-hour shifts. However, if I do not transport a team or get a run, I am not paid.

4. Prior to transferring to Birmingham, I did not have to work on Saturdays. When I moved to Birmingham, my schedule allowed me to take Saturday and Tuesdays off as I had requested based upon my religious.

5. When I initially negotiated to transfer to Birmingham, I informed the Birmingham station manager of my religion and asked to continue the same scheduled because of my religious beliefs and the fact that I am a single parent of one son and on daughter. My request was initially granted and I relocated to Birmingham.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State or Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

9/7/2016

Africa Yvette Rux
Notary Public

My Commission Expires
February 26th, 2020

Date

Charging Party Signature

CHARGE OF DISCRIMINATION

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THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

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6. Once I was in Birmingham, I was initially offered a schedule which gave me Saturday and Tuesdays off and my shift was from 4 am to 4 pm which allowed me time in the evenings and at night with my children.

7. On August 19, 2016, I was told that my schedule would be changed and that I would no longer be allowed to have my Sabbath days off so that I could attend church. Upon information and belief, I have been discriminated against because of my religion, Seventh Day Adventist in violation of Title VII of the Civil Rights Act of 1964, as amended. The station manager and other management personnel were well aware of my religious beliefs. However, the respondent refused to accommodate my religious beliefs by allowing me to maintain my schedule with Saturdays and Tuesdays off.

8. Moreover, after I complained to management about working on Saturdays, Bennie Williams, the General Manager retaliated against me by making me work a night shift, while knowing that I have two small children at home! Based upon the night shift schedule, I would RARELY get to see my children. Williams said that had I not complained, I may have been able to keep my day schedule but would not have allowed me to have my Sabbath off! Moreover, since I complained to management about religious discrimination, the number of deliveries or runs per night has been reduced to one so that my pay is now substantially less than it was before I complained about religious discrimination.

9. I believe that I have been retaliated against for opposing employment actions which are in violation of Title VII pursuant to § 704(a) of Title VII of the Civil Rights Act of 1964.

10. Additionally, and upon information and belief, I am paid less than similarly situated male employees for the same or similar work in violation of the Equal Pay Act of 1963.

11. Upon information and belief, the respondent discriminates against women as a class in pay and bonus pay as a class in violation of the Equal Pay Act of 1963.

12. The respondent has discriminated against me because of my religion, Seventh Day Adventist in violation of Title VII of the Civil Rights Act of 1964, as amended; retaliated against me for opposing religious discrimination in violation of Title VII pursuant to § 704(a); and I and other women have been denied income in violation of the Equal Pay Act of 1963.

RECEIVED

SEP ' 7 2016

**EEOC
BIRMINGHAM DISTRICT**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY: When necessary for State or Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

9/7/2016



Africa Yvette Rux
Notary Public

My Commission Expires
February 26th, 2020

Date

Charging Party Signature

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA

420-2016-03404

☒ EEOC

ALABAMA

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. LaDawna Fisher

Home Phone (Incl. Area Code)

(615) 519-3158

Date of Birth

Street Address

City, State and ZIP Code

Birmingham, Alabama 35212

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Professional Transportation, Inc.

No. Employees, Members

50+

Phone No. (Incl. Area Code)

(205) 291-8013

Street Address

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Street Address

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3700 E Morgan Avenue

Evansville, Indiana 47715

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☒ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify) Constructive discharge

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

09/20/2016

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Ameuded

1. I am an African American female and employee of the respondent, Professional Transportation, Inc. On September 7, 2016, I filed a charge of religious discrimination and retaliation against my employer.

2. Since the filing of my charge of discrimination, I have had several conversations with my managers and Human Resources concerning my charge.

3. I was told that my charges were not true and that instead of filing a charge of discrimination, I had to go through the union.

4. Since my filing of my EEOC Charge, I had my hours reduces and now my employment has been suspended and I am no longer on the schedule to drive and do pick-ups.

5. Upon information and belief, I have been constructively discharged and discriminated and retaliated against because of my participation in filing an EEOC charge and for my opposition to religious discrimination and retaliation and Equal Pay Act violations.

OCT 11 2016

E.E.O.C.
BIRMINGHAM DISTRICT

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State or local Agency Requirements

Michael Fox My Commission Expires: 2/26/2020

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

LaDawna Fisher
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

October 11, 2016

I declare under penalty of perjury that the above is true and correct.

10/11/2016

Date

Charging Party Signature